

ALASKA LEGISLATURE COMMITTEE FILES 1900-1900 00/2

3882 SCRA SB 448 258



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Signature of Camera Operator


Date

S B

4 4 8

SB 448

3/12/86 - Jeff Smith DC&RA.

Discussed what Committee asked for:

Give analysis of how passage of bill will affect:

- 1) Coastal Resource Service Areas
- 2) Rural Educ Attend Areas
- 3) Boroughs
- 4) Roads and Health Service areas
- 5) Resource Development Authorities

Smith plans to have info by Friday

3/25

At C&RA Committee Mtg Sen. V. Zuehl said he would have Committee Substitute bill prepared which ~~explains~~ incorporates amendments discussed at this mtg.

STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

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JUNEAU, ALASKA 99811
907-465-3800

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

Senate Community & Regional Affairs:

3/11/86 : 3:35 pm.

3/25/86 : 3:43 pm.

4/8/86 : 3:40 pm

Senator Edna DeVries

RE CS SB 448

4-8-86

Dear Senator:

Sorry I'm swamped but you asked for comments on CS SB 448 (CRA). The League does not have a specific position on the bill; however,


1) The League does have policy which supports legislation ~~that~~ "that encourage rather than discourage the formation of new municipalities."

Therefore, we would support the concept and intent of the bill and the sponsor. If you remember the original Title it rewrite would have allowed second class cities of 400 to adopt home rule charters. There was a concern raised over the assumption of school powers by these small home rule communities that may also not want to assume the other powers proper for a responsible community to assume... same concern here

2) The concerns raised by DC/RA have

been addressed in this CS. The League shares the remaining concerns of the Department raised in Commissioner's April 3 letter.

I have another hearing at 3:00 but will try to get to your hearing at 3:30 ... hurrying and puffing


AML

Committee Mtg 4/8/86

CS for SB 448 (C+RA) An Act
re home rule municipalities

Coghill that bill could not
get through legislature this year

Fischer felt bill represented state
maximizing local control by municipalities

Chair said bill would be held
in Committee

Adjourned 4:10 P.

Staff Cy

Senator Edna DeVries, Chairman
Members
Senator Ferguson, Vice Chairman
Senator Coghill
Senator Sturgulewski
Senator V. Fischer

Pouch V
Juneau, Alaska 99811

Alaska State Legislature

Senate



Official Business

Committee on Community and Regional Affairs

COMMITTEE MEETING -- March 25, 1986

SB 407 -- An Act making a special appropriation to the Dept. of C&RA for a grant to the North Slope Borough

*SS for SB 414 -- An Act relating to municipal land entitlements

SB 448 -- An Act relating to home rule municipalities

SB 407 was considered on March 11 and continued until explanatory data on the bill was received from Avrum Gross.

SS for SB 414 was heard on March 11 and continued until preparation of a sectional analysis by DNR had been received.

SB 448 was also heard on March 11th. The Dept. of C&RA was requested to furnish the Committee an analysis on the effects of the bill.

Material attached:

- (1) Sectional analysis prepared by LAA Legal Services on SSSB 414.
- (2) Letter attaching sectional analysis and charts on SSSB 414 from DNR.*
- (3) Sectional analysis prepared by LAA Legal Services on SB 448.
- (4) Letter from Commissioner Emil Notti, DC&RA on SB 448.
- (5) Letter from Jeanine Kennedy, Rural Alaska Community Action Program, Inc. on SB 448.

P.S. Mr. Avrum Gross' Office has informed Committee staff they will furnish the data requested on SB 407. This information will be delivered for inclusion in this packet for the 3/25/86 Committee Meeting as soon as it is received.

* Also attached is the Alaska Municipal League position paper w/atch on SB 414.

** 2nd former sub SB 414 attached*

Introduced: 2/18/86
Referred: Community and Regional
Affairs and Judiciary

1 IN THE SENATE

BY V.FISCHER

2

SENATE BILL NO. 448

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to home rule municipalities; and
7 providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 29.10.010(a) is amended to read:

10 (a) A general law borough or first or second class city may
11 adopt a charter for its own government.

12 * Sec. 2. AS 29.35.250(c) is amended to read:

13 (c) Except for a home rule city with less than 600 residents
14 that adopts a home rule charter after June 31, 1986, a [A] home rule
15 city in a third class borough shall provide for planning, platting,
16 and land use regulation as provided by AS 29.35.180(b) for home rule
17 boroughs. A first class city in a third class borough shall provide
18 for planning, platting, and land use regulation as provided by AS
19 29.35.180(a) for first and second class boroughs. A second class city
20 in a third class borough may provide for planning, platting, and land
21 use regulation as provided by AS 29.35.180(a) for first and second
22 class boroughs. A home rule city with less than 600 residents that
23 adopts a home rule charter after June 31, 1986, and that is in a third
24 class borough may provide for planning, platting, and land use
25 regulation as provided by AS 29.35.180(b) for home rule boroughs.

26 * Sec. 3. AS 29.35.260(b) is amended to read:

27 (b) Except for a home rule city with less than 600 residents
28 that adopts a home rule charter after June 31, 1986, a [A] home rule
29 or first class city outside a borough is a city school district and

1 shall establish, operate, and maintain a system of public schools as
2 provided by AS 29.35.160 for boroughs. A second class city outside a
3 borough is not a school district and may not establish a system of
4 public schools. A home rule city with less than 600 residents that
5 adopts a home rule charter after June 31, 1986, and that is outside a
6 borough may establish, operate, and maintain a system of public
7 schools as provided by AS 29.35.160 for boroughs.

8 * Sec. 4. AS 29.35.260(c) is amended to read:

9 (c) Except for a home rule city with less than 600 residents
10 that adopts a home rule charter after June 31, 1986, a [A] home rule
11 city outside a borough shall provide for planning, platting, and land
12 use regulation as provided by AS 29.35.180(b) for home rule boroughs.
13 A first class city outside a borough shall, and a second class city
14 outside a borough may, provide for planning, platting, and land use
15 regulation as provided by AS 29.35.180(a) for first and second class
16 boroughs. A home rule city with less than 600 residents that adopts a
17 home rule charter after June 31, 1986, and that is outside a borough
18 may provide for planning, platting, and land use regulation as pro-
19 vided by AS 29.35.180(b) for home rule boroughs.

20 * Sec. 5. AS 29.10.010(b) is repealed.

21 * Sec. 6. This Act takes effect July 1, 1986.

STATE OF ALASKA
THE LEGISLATURE

POUCH - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 18, 1986

SUBJECT: Home Rule Municipalities
(SB 448 - sectional analysis)

TO: Senator Edna DeVries, Chair
Senate Community and Regional Affairs
Committee

FROM: Tamara Brandt Cook *TBC*
Director
Division of Legal Services

Sec. 1. A second class city is permitted to adopt a home rule charter.

Sec. 2. A city with less than 600 residents that adopts a home rule charter on or after the effective date of this bill and that is located in a third class borough is permitted but not required to provide for planning, platting, and land use regulation. Existing law requires home rule cities in third class boroughs to do so.

Sec. 3. A city with less than 600 residents that adopts a home rule charter on or after the effective date of this bill and that is located outside a borough is permitted but not required to operate a system of public schools. Existing law requires each home rule city outside a borough to operate schools.

Sec. 4. A city with less than 600 residents that adopts a home rule charter on or after the effective date of this bill and that is located outside a borough is permitted but not required to provide for planning, platting, and land use regulation. Existing law requires each home rule city outside a borough to provide for planning, platting, and land use regulation.

Sec. 5. The provision that now allows a second class city that exceeds 35 square miles in area with a population of at least 3,500 to adopt a home rule charter is repealed.

Sec. 6. The bill takes effect at the beginning of the next fiscal year.

TBC:mkr
m4/016

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

March 18, 1986

- POUCH B
JUNEAU, ALASKA 99811
PHONE: (907) 465-4700
- 949 E. 36TH AVENUE, SUITE 400
ANCHORAGE, ALASKA 99508
PHONE: (907) 563-1073

The Honorable Edna DeVries
Chair, Senate Community and
Regional Affairs Committee
Alaska State Senate
P.O. Box V
Juneau, AK 99811

Dear Senator DeVries:

RE: IMPACT OF HOME RULE LEGISLATION - SB 448

A question has been raised by the Senate Community and Regional Affairs Committee as to the potential impact of the formation of a number of new home rule cities on the formation of regional local governments or service areas in the unorganized borough; chiefly, the implications for the formation of boroughs, coastal resource service areas, and rural educational attendance areas.

Borough Formation. AS 29.05 covers the incorporation of new municipalities, including boroughs. The major impact of a home rule city on borough formation would seem to be at the stage of the initial petition. One of the required elements of a borough incorporation petition at AS 29.05.060(7) is:

for a borough, based on the number who voted in the respective areas in the last general election, the signature and resident address of 15 percent of the voters in

- (A) home rule and first class cities in the area of the proposed borough; and
- (B) the area of the proposed borough outside home rule and first class cities; [emphasis added].

Consequently, a certain proportion of voters from within the home rule city must be among the petitioners for a prospective borough.

Under AS 29.05.110, Incorporation Election, the determination of whether a municipality would be formed is not based upon a majority in different areas of the proposed borough, such as within or outside of home rule cities, but rather the majority of the voters of the entire area.

The Honorable Edna DeVries
RE: SB 448
March 18, 1986
Page Two

It would not appear that the formation of new home rule cities would have a significant impact on borough formation, apart from the petition requirements.

Unification of Municipalities. The creation of new home rule cities may have a more dramatic impact on the process of unification of municipalities. AS 29.06.190(b) provides:

The petition shall be signed by at least

- (1) the number of voters residing outside all home rule and first class cities in the borough equal to 25 percent of the votes cast in the that area in the last regular borough election; and
- (2) the number of voters residing in home rule or first class cities in the borough equal to 25 percent of the votes cast in all home rule and first class cities in the borough in the last borough election.

Additionally, in order for the unification charter to be adopted, under AS 29.06.360(c), "a majority of the votes outside all home rule and first class cities, and a majority of the votes in all home rule and first class cities in the borough" must be cast in favor of the proposed charter.

It would appear that the formation of new home rule cities would have a significant effect on the unification process. Under current law, a home rule city, assuming it to be the only home rule or first class city in the proposed unified municipality, would have a virtual veto power on the process.

Formation of Coastal Resource Service Areas (CRSA). A coastal resource service area may be formed in the unorganized borough pursuant to AS 46.40.130(a) in three ways:

- a. a petition signed by 15 percent of the voters in the area;
- b. resolutions from 25 percent of the cities and traditional villages in the area; or
- c. at the direction of the Alaska Coastal Policy Council if major economic development is to occur in the area.

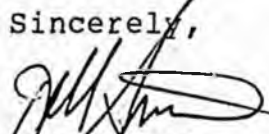
The Honorable Edna DeVries
RE: SB 448
March 18, 1986
Page Three

It should be noted that a coastal home rule city in the unorganized borough is automatically a coastal resource district under AS 46.40.210(2)(C) and is required to develop and adopt a district coastal management program. The creation of a new home rule city would not have a direct impact on the formation of a coastal resource area as it would not be included in such an area. An indirect impact would be that the population of the home rule city could not be included for the petition or resolution process of CRSA formation.

Formation of Rural Education Attendance Areas (REAA). The entire unorganized borough has been divided up into REAA's already, so the creation of new home rule cities would seemingly not have an effect on REAA formation. While provision was recently made for the creation of new REAA's in western Alaska to respond to the phase out of BIA educational funding in that area, that procedure should not be considered a precedent for a policy of formation of new, smaller REAA units, but rather a response to a unique situation. The obvious impact, however, would be that, to the extent that these new home rule cities assume education powers, they may withdraw from existing REAA's. This would potentially reduce the benefits of regional organization such as efficiencies of scale, creating regional ties which could lead at a later time to formation of a borough, etc. A balancing concern is that the residents of the home rule city would gain a greater degree of local control over the education process within its boundaries.

Conclusion. While the SB 448 municipalities are "home rule" cities, it should be noted that they differ in major respects from existing home rule cities. Chiefly, this is in the provision that those land use regulation and education powers that are mandatory under current law are made permissive for these new SB 448 municipalities. Because the exercise of these powers is part of the justification for the treatment of home rule cities under the REAA program and the Coastal Management program, there should perhaps be some recognition of this in the bill. In terms of borough formation, there would not seem to be a major impact, while the creation of a new home rule city could have a significant impact on the unification process.

Sincerely,


Emil Notti
Commissioner

Rural Alaska Community Action Program, Inc.

March 13, 1986

MAR 18 1986

Senator Edna DeVries, Chair
Senate Standing Committee of
Community and Regional Affairs Committee
Pouch V
Juneau, Alaska 99811

Dear Senator DeVries,

I am writing this short statement in support of S.B. 448, to supplement RurAL CAP's testimony to your committee on March 11.

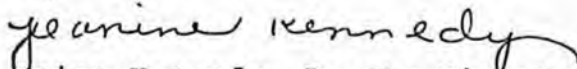
As I stated, we support SB 448 primarily because 1) its passage would indicate an intent by the State to provide an opportunity for small villages to gain more local control over their own affairs; and, 2) it would provide an option for local control which previously has been unavailable.

RurAL CAP supports the goals of more local control, as people in rural areas have the best sense of what will/does work for them. We know that in the past, efforts to impose structures which work well in large urban areas upon rural constituents have been costly and largely ineffective in just about all aspects of government. SB 448, while certainly far from a complete answer, at least moves toward a more acceptable option for rural people, by providing the opportunity for more local control over schools and land.

SB 448 promises to be more cost-effective and a more useful approach of the State to its rural constituents. The issue (in regard to cost) is not if local control costs too much; in many ways the State cannot afford not to provide more options for local control.

I appreciate the opportunity to comment on this bill.

Sincerely,



Jeanine Kennedy, Deputy Director
Rural Alaska Community Action Program, Inc.

xc: Committee Members:
Sen. Frank Ferguson, Vice-Chair
Sen. John B. (Jack) Coghill
Sen. Arliss Sturgulewski
Sen. Vic Fischer

Sec. xxx. AS 29.05.060(7) is amended to read

(7) for a borough, based on the number who voted in the respective areas in the last general election, the signature and resident address of 15 percent of the voters in

(A) home rule and first class cities in the area of the proposed borough; and

(B) the area of the proposed borough outside home rule and first class cities,

except that a home rule city with less than 600 residents that adopts a home rule charter after June 31, 1986 shall be treated in the same manner as a second class city for the purposes of this subsection;

Sec. xxx. AS 29.06 is amended by adding a new section to read

Sec. 29.06.430. TREATMENT OF HOME RULE CITIES WITH LESS THAN SIX HUNDRED RESIDENTS THAT ADOPTS A HOME RULE CHARTER AFTER JUNE 31, 1986. For the purposes of this chapter, a home rule city with less than 600 residents that adopts a home rule charter after June 31, 1986 shall be treated as a second class city.



Official Business

Alaska State Legislature

Senate

Committee on Community and Regional Affairs

Senator Edna DeVries, Chairman
Members
Senator Ferguson, Vice Chairman
Senator Coghill
Senator Sturgulewski
Senator V. Fischer

Pouch V
Juneau, Alaska 99811

COMMITTEE MEETING HELD -- April 8, 1986

HB 694 -- An Act relating to the establishment of the Metlakatla Housing Authority

SCS for CS for HB 236 (C&RA) An Act creating a Quadrennial Olympic reserve account, efd

CS for SB 448 (C&RA) -- An Act relating to home rule municipalities; efd

HB 694 will amend the law for the establishment of the Metlakatla Housing Authority with powers to receive funds from DC&RA.

HB 236 was considered by the committee at its last meeting as a committee substitute. After receiving recommendations for amendments from the DOA and DOC&ED, the committee agreed to amendments which now comprise the new committee substitute creating the Quadrennial Olympic reserve account.

SB 448 was considered by the committee on March 25th and continued for preparation of a committee substitute including amendments proposed by Senator Vic Fischer.

Materials attached:

Position paper and fiscal note from the DC&RA on HB 694.

Memo from staff to Senator DeVries on HB 236.

Sectional analysis from LAA, Legal Services on CS for SB 448.

Letter from Commissioner Emil Notti, DC&RA to Senator DeVries on CS for SB 448.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 8, 1986

SUBJECT: Home Rule Municipalities
(CSSB 448(C&RA))

TO: Senator Edna DeVries, Chair
Senate Community and Regional Affairs
Committee

FROM: Tamara Brandt Cook *TBC*
Director
Division of Legal Services

Here is the sectional analysis that you requested of the draft for CSSB 448(C&RA).

Section 1. AS 29.05.060 deals with the petition requirement for incorporation of a borough. Signature requirements apply to two separate classifications of voters, those living in home rule and first class cities in the area of the proposed borough and those outside first class and home rule cities. Under this bill voters from home rule cities with less than 600 residents that adopt charter after June 30, 1986 are classified with the area of the proposed borough outside home rule and first class cities.

Sec. 2. This is a technical amendment under subsection (a) deleting the requirement that a petition for election of a charter commission to propose a unification charter indicate whether the voter is from a first class or home rule city. This information is no longer useful, since some voters from home rule cities will be classified with the area outside home rule and first class cities for purposes of meeting the petition requirement for a unification charter commission. Under subsection (b) the signature requirements apply to two separate classifications with one class being composed of voters who live in home rule and first class cities other than those with less than 600 residents that adopt charters after June 30, 1986 and the other being composed of all other voters, including those in home rule cities with less than 600 residents that adopt charters after June 30, 1986.

Senator Edna DeVries

Page 2.

April 8, 1986

Sec. 3. The vote on formation of a unification charter commission is tabulated in the same two separate classifications established under the petition requirement.

Sec. 4. Votes on the question of ratification of a proposed unification charter are tabulated in the same two separate classifications established under the petition requirement.

Sec. 5. A second class city is permitted to adopt a home rule charter.

Sec. 6 Under existing law all home rule cities in third class boroughs are required to provide for planning, platting, and land use regulation. Under this draft, a home rule city with less than 600 residents that adopts a home rule charter after June 30, 1986 and that is in a third class borough may, but does not have to provide for planning, platting, and land use regulation.

Sec. 7. Under existing law all home rule cities outside boroughs are school districts. Under this draft a home rule city with less than 600 residents that adopts a home rule charter after June 30, 1986 and that it outside a borough is not a school district and may not provide for schools.

Sec. 8. Under existing law all home rule cities outside boroughs must provide for planning, platting, and land use regulation. Under this draft, a home rule city with less than 600 residents that adopts a home rule charter after June 30, 1986 and that is outside a borough may, but does not have to provide for planning, platting, and land use regulation.

Sec. 9. The provision permitting only second class cities with 3,500 residents that exceed 35 square miles in area to adopt home rule charters is repealed.

Sec. 10. The Act takes effect at the beginning of the next fiscal year.

TBC:mkr

m4/082

BILL SHEFFIELD, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

April 3, 1986

- POUCH B
JUNEAU, ALASKA 99811
PHONE: (907) 465-4700
- 949 E. 36TH AVENUE, SUITE 100
ANCHORAGE, ALASKA 99508
PHONE: (907) 563-1073

The Honorable Edna DeVries
Alaska State Senate
P.O. Box V
Juneau, AK 99811

Dear Senator DeVries:

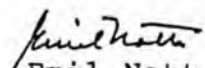
RE: PROPOSED SB 448 AMENDMENTS

I have received copies of the amendments to SB 448 to be proposed by Senator Vic Fisher. These amendments are designed to minimize the impacts of the proposed new home rule municipalities on borough incorporation and unification and on Regional Education Attendance Areas. I have had my staff review the proposed amendments and the proposals respond to the points raised in my letter to you of March 18, 1986 in this regard.

I consider this bill as a positive attempt to meet the constitutional mandate for maximum local self government. I continue to have some concern that the creation of new classes of home rule cities may create confusion among those it is intended to serve through the further complication of the local government structure. Our original position paper remains a valid representation of our views on this bill. Therefore, I have not asked staff to prepare a new position paper. The Department does, however, believe the amendments improve the original bill.

Thank you for the opportunity to address this Department's concerns in regard to this legislation.

Sincerely,


Emil Notti
Commissioner

cc: Senator Vic Fisher

James
4/7/86

Original sponsors: Pignalberi, Collins,
Koponen, et al

1 IN THE HOUSE

BY THE COMMUNITY AND REGIONAL
AFFAIRS COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 236 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION.

5 A BILL

6 For an Act entitled: "An Act creating a Quadrennial Olympic reserve ac-
7 count; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. LEGISLATIVE INTENT. The legislature finds that it is
10 beneficial to support and encourage the spirit of dedication and excellence
11 symbolic of Olympic athletes and to register wholehearted support of the
12 Olympic Games and develop Olympic talent in Alaskan youth and adults.
13 Therefore, the legislature shall establish a Quadrennial Olympic reserve
14 account in the general fund.

15 * Sec. 2. AS 05 is amended by adding a new chapter to read:

16 CHAPTER 13. QUADRENNIAL OLYMPIC RESERVE ACCOUNT.

17 Sec. 05.13.010. QUADRENNIAL OLYMPIC RESERVE ACCOUNT. There is
18 created in the general fund a Quadrennial Olympic reserve account.
19 The account shall consist of salary deduction contributions of offi-
20 cers and employees of the state or a municipality of the state under
21 AS 05.13.020(a). The Department of Administration shall hold that
22 money in trust and shall make regular payments from the account to the
23 beneficiary of the trust, the official United States Olympic Committee
24 in Alaska, after the committee has established a private fund for pri-
25 vate contributions.

26 Sec. 05.13.020. SALARY DEDUCTIONS AND MATCHING FUNDS. (a) One
27 dollar per month shall be deducted from the salary of each officer and
28 employee of the state or a municipality of the state who requests
29 involvement in the program under (d) of this section. Salary deducted

1 shall be deposited into the Quadrennial Olympic reserve account.

2 (b) The legislature may annually appropriate to the Department
3 of Commerce and Economic Development on behalf of the United States
4 Olympic Committee in Alaska a matching amount equal to the amount of
5 the salary deduction contributions made by all state and municipal
6 officers and employees. However, the total annual appropriation under
7 this subsection may not exceed \$50,000.

8 (c) Salary deductions and matching funds authorized under this
9 section may only be used to support Alaskan youth and adults in
10 Olympic training and development, and community efforts to attract
11 Olympic events to the state.

12 (d) The Department of Commerce and Economic Development shall,
13 by September 1, 1986,

14 (1) inform all state and municipal officers and employees
15 about the deduction program; and

16 (2) provide all state and municipal officers and employees
17 with a form, addressed to the governor or the governor's designee, on
18 which the intention to participate in the Alaska-United States Olympic
19 Trust Fund may be indicated.

20 Sec. 05.13.030. FINANCIAL REPORT AND AUDIT. (a) Not later than
21 60 days after the end of the committee's fiscal year, the official
22 United States Olympic Committee in Alaska shall submit to the Depart-
23 ment of Commerce and Economic Development a report describing the
24 income and expenditures of the committee for the previous fiscal year.

25 (b) The Department of Commerce and Economic Development may
26 require an independent audit of the financial records of the official
27 United States Olympic Committee in Alaska to determine whether expen-
28 ditures by the committee are consistent with the purposes of the
29 committee. The cost of an independent audit shall be paid by the

1 official United States Olympic Committee in Alaska.

2 * Sec. 3. AS 05.13.010 - 05.13.030, enacted by sec. 2 of this Act, are
3 repealed June 30, 1992.

4 * Sec. 4. This Act takes effect July 1, 1986.
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STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

April 8, 1986

SUBJECT: Home Rule Municipalities
(CSSB 448(C&RA))

TO: Senator Edna DeVries, Chair
Senate Community and Regional Affairs
Committee

FROM: Tamara Brandt Cook *TBC*
Director
Division of Legal Services

Here is the sectional analysis that you requested of the draft for CSSB 448(C&RA).

Section 1. AS 29.05.060 deals with the petition requirement for incorporation of a borough. Signature requirements apply to two separate classifications of voters, those living in home rule and first class cities in the area of the proposed borough and those outside first class and home rule cities. Under this bill voters from home rule cities with less than 600 residents that adopt charter after June 30, 1986 are classified with the area of the proposed borough outside home rule and first class cities.

Sec. 2. This is a technical amendment under subsection (a) deleting the requirement that a petition for election of a charter commission to propose a unification charter indicate whether the voter is from a first class or home rule city. This information is no longer useful, since some voters from home rule cities will be classified with the area outside home rule and first class cities for purposes of meeting the petition requirement for a unification charter commission. Under subsection (b) the signature requirements apply to two separate classifications with one class being composed of voters who live in home rule and first class cities other than those with less than 600 residents that adopt charters after June 30, 1986 and the other being composed of all other voters, including those in home rule cities with less than 600 residents that adopt charters after June 30, 1986.

Sec. 3. The vote on formation of a unification charter commission is tabulated in the same two separate classifications established under the petition requirement.

Sec. 4. Votes on the question of ratification of a proposed unification charter are tabulated in the same two separate classifications established under the petition requirement.

Sec. 5. A second class city is permitted to adopt a home rule charter.

Sec. 6 Under existing law all home rule cities in third class boroughs are required to provide for planning, platting, and land use regulation. Under this draft, a home rule city with less than 600 residents that adopts a home rule charter after June 30, 1986 and that is in a third class borough may, but does not have to provide for planning, platting, and land use regulation.

Sec. 7. Under existing law all home rule cities outside boroughs are school districts. Under this draft a home rule city with less than 600 residents that adopts a home rule charter after June 30, 1986 and that it outside a borough is not a school district and may not provide for schools.

Sec. 8. Under existing law all home rule cities outside boroughs must provide for planning, platting, and land use regulation. Under this draft, a home rule city with less than 600 residents that adopts a home rule charter after June 30, 1986 and that is outside a borough may, but does not have to provide for planning, platting, and land use regulation.

Sec. 9. The provision permitting only second class cities with 3,500 residents that exceed 35 square miles in area to adopt home rule charters is repealed.

Sec. 10. The Act takes effect at the beginning of the next fiscal year.

TBC:mkr
m4/082

STATE OF ALASKA

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

- POUCH B
JUNEAU, ALASKA 99811
PHONE: (907) 465-4700
- 949 E. 36TH AVENUE, SUITE 400
ANCHORAGE, ALASKA 99508
PHONE: (907) 563-1073

April 3, 1986

The Honorable Edna DeVries
Alaska State Senate
P.O. Box V
Juneau, AK 99811

APR 03 1986

Dear Senator DeVries:

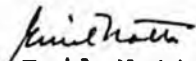
RE: PROPOSED SB 448 AMENDMENTS

I have received copies of the amendments to SB 448 to be proposed by Senator Vic Fisher. These amendments are designed to minimize the impacts of the proposed new home rule municipalities on borough incorporation and unification and on Regional Education Attendance Areas. I have had my staff review the proposed amendments and the proposals respond to the points raised in my letter to you of March 18, 1986 in this regard.

I consider this bill as a positive attempt to meet the constitutional mandate for maximum local self government. I continue to have some concern that the creation of new classes of home rule cities may create confusion among those it is intended to serve through the further complication of the local government structure. Our original position paper remains a valid representation of our views on this bill. Therefore, I have not asked staff to prepare a new position paper. The Department does, however, believe the amendments improve the original bill.

Thank you for the opportunity to address this Department's concerns in regard to this legislation.

Sincerely,


Emil Notti
Commissioner

cc: Senator Vic Fisher

BILL SHEFFIELD, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

POUCH B
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April 3, 1986

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Alaska State Senate
P.O. Box V
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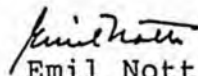
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Sincerely,


Emil Notti
Commissioner

cc: Senator Vic Fisher ✓

Cook ✓

A M E N D M E N T

#1

Offered in the SENATE

By V.Fischer

TO: SB 448

Page 2, lines 6 and 7, after "borough" delete all material and insert:

"is not a school district and may not establish a system of public schools."

Cook ✓

A M E N D M E N T

#2

Offered in the SENATE

By V.Fischer

TO: SB 448

Page 1, after line 8, insert the following new bill section:

"* Section 1. AS 29.05.060(7) is amended to read:

(7) for a borough, based on the number who voted in the respective areas in the last general election, the signature and resident address of 15 percent of the voters in

(A) home rule and first class cities in the area of the proposed borough, except those home rule cities with less than 600 residents that adopt charters after June 30, 1986; and

(B) the area of the proposed borough outside home rule and first class cities and in home rule cities with less than 600 residents that adopt charters after June 30, 1986;"

Page 1, line 9, delete "Section 1" and insert "Sec. 2".

Renumber remaining bill sections accordingly.

A M E N D M E N T

#3

Offered in the SENATE

By V.Fischer

TO: SB 448

Page 1, after line 8, insert the following new bill sections:

"* Section 1. AS 29.06.210 is amended to read:

Sec. 29.06.210. PETITION REQUIREMENTS. (a) A unification petition shall read:

"PETITION FOR ELECTION OF CHARTER COMMISSION TO PROPOSE UNIFICATION CHARTER. We, the undersigned, qualified voters of the borough do hereby petition that the following proposition be placed before the voters as provided by law: 'Shall a charter commission be formed (and charter commission members be elected as elsewhere provided on this ballot) to prepare, adopt and submit to the voters for their approval or rejection a proposed charter uniting the borough and all cities within it as a single unit of home rule government having the powers, duties and functions of a unified municipality as authorized by law?

Yes [] No []'

[INSIDE FIRST OUTSIDE FIRST

CLASS OR CLASS OR

SIGNATURE ADDRESS HOME RULE CITY () HOME RULE CITY ()]"

(b) The petition shall be signed by at least

(1) the number of voters, [RESIDING OUTSIDE ALL HOME RULE AND FIRST CLASS CITIES IN THE BOROUGH] equal to 25 percent of the votes cast in the [THAT] area in the last regular borough election, residing in

(A) home rule cities in the borough other than those with less than 600 residents that adopt charters after June 30, 1986; and

(B) the area in the borough outside home rule and first class cities; and

(2) the number of voters, [RESIDING IN HOME RULE OR FIRST CLASS CITIES IN THE BOROUGH] equal to 25 percent of the votes cast in the area [ALL HOME RULE AND FIRST CLASS CITIES IN THE BOROUGH] in the last regular borough election residing in

(A) home rule cities in the borough other than those with less than 600 residents that adopt charters after June 30, 1986;

(B) first class cities in the borough.

* Sec. 2. AS 29.06.280(a) is amended to read:

(a) The votes on the question of formation of a charter commission shall be tabulated in two separate classifications. One classification consists of all votes cast in first class and home rule cities in the borough, other than those with less than 600 residents that adopt charters after June 30, 1986. The other classification consists of all votes cast in the remaining area of the borough, including home rule cities with less than 600 residents that adopt charters after June 30, 1986. In order for formation of a charter commission to be approved, a majority of the votes in each classification must favor formation of the commission.

* Sec. 3. AS 29.06.360(c) is amended to read:

(c) The votes on the question of ratification of the proposed

charter shall be tabulated in two separate classifications. One classification consists of all votes cast in first class and home rule cities in the borough, other than those with less than 600 residents that adopt home rule charters after June 30, 1986. The other classification consists of all votes cast in the remaining area of the borough, including home rule cities with less than 600 residents that adopt charters after June 30, 1986. If a majority of the votes in each classification [THE AREA OF THE BOROUGH OUTSIDE ALL HOME RULE OR FIRST CLASS CITIES, AND A MAJORITY OF THE VOTES IN ALL HOME RULE AND FIRST CLASS CITIES IN THE BOROUGH] are cast in favor of the proposed charter, the charter is ratified. If the charter is ratified, election results shall be certified to the commission and two copies of the charter shall be filed with

- (1) the lieutenant governor;
- (2) the department;
- (3) the district recorder for the area of the borough;
- (4) the clerk of the borough;
- (5) the clerk of each city in the borough."

Page 1, line 9, delete "Section 1" and insert "Sec. 4".

Renumber the following bill sections accordingly.

SIB 448

Amendments
~~DCRA~~

Sec. xxx. AS 29.05.060(7) is amended to read

(7) for a borough, based on the number who voted in the respective areas in the last general election, the signature and resident address of 15 percent of the voters in

(A) home rule and first class cities in the area of the proposed borough; and

(B) the area of the proposed borough outside home rule and first class cities,

except that a home rule city with less than 600 residents that adopts a home rule charter after June 31, 1986 shall be treated in the same manner as a second class city for the purposes of this subsection;

Sec. xxx. AS 29.06 is amended by adding a new section to read

Sec. 29.06.430. TREATMENT OF HOME RULE CITIES WITH LESS THAN SIX HUNDRED RESIDENTS THAT ADOPTS A HOME RULE CHARTER AFTER JUNE 31, 1986. For the purposes of this chapter, a home rule city with less than 600 residents that adopts a home rule charter after June 31, 1986 shall be treated as a second class city.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
707-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 18, 1986

MAR 18 1986

SUBJECT: Home Rule Municipalities
(SB 448 - sectional analysis)

TO: Senator Edna DeVries, Chair
Senate Community and Regional Affairs
Committee

FROM: Tamara Brandt Cook *TBC*
Director
Division of Legal Services

Sec. 1. A second class city is permitted to adopt a home rule charter.

Sec. 2. A city with less than 600 residents that adopts a home rule charter on or after the effective date of this bill and that is located in a third class borough is permitted but not required to provide for planning, platting, and land use regulation. Existing law requires home rule cities in third class boroughs to do so.

Sec. 3. A city with less than 600 residents that adopts a home rule charter on or after the effective date of this bill and that is located outside a borough is permitted but not required to operate a system of public schools. Existing law requires each home rule city outside a borough to operate schools.

Sec. 4. A city with less than 600 residents that adopts a home rule charter on or after the effective date of this bill and that is located outside a borough is permitted but not required to provide for planning, platting, and land use regulation. Existing law requires each home rule city outside a borough to provide for planning, platting, and land use regulation.

Sec. 5. The provision that now allows a second class city that exceeds 35 square miles in area with a population of at least 3,500 to adopt a home rule charter is repealed.

Sec. 6. The bill takes effect at the beginning of the next fiscal year.

TBC:mkr
m4/016

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

March 18, 1986

POUCH B
JUNEAU, ALASKA 99811
PHONE: (907) 465-4700

949 E. 36TH AVENUE, SUITE 400
ANCHORAGE, ALASKA 99508
PHONE: (907) 563-1073

The Honorable Edna DeVries
Chair, Senate Community and
Regional Affairs Committee
Alaska State Senate
P.O. Box V
Juneau, AK 99811

MAR 18 1986

Dear Senator DeVries:

RE: IMPACT OF HOME RULE LEGISLATION - SB 448

A question has been raised by the Senate Community and Regional Affairs Committee as to the potential impact of the formation of a number of new home rule cities on the formation of regional local governments or service areas in the unorganized borough; chiefly, the implications for the formation of boroughs, coastal resource service areas, and rural educational attendance areas.

Borough Formation. AS 29.05 covers the incorporation of new municipalities, including boroughs. The major impact of a home rule city on borough formation would seem to be at the stage of the initial petition. One of the required elements of a borough incorporation petition at AS 29.05.060(7) is:

for a borough, based on the number who voted in the respective areas in the last general election, the signature and resident address of 15 percent of the voters in

- (A) home rule and first class cities in the area of the proposed borough; and
- (B) the area of the proposed borough outside home rule and first class cities; [emphasis added].

Consequently, a certain proportion of voters from within the home rule city must be among the petitioners for a prospective borough.

Under AS 29.05.110, Incorporation Election, the determination of whether a municipality would be formed is not based upon a majority in different areas of the proposed borough, such as within or outside of home rule cities, but rather the majority of the voters of the entire area.

The Honorable Edna DeVries
RE: SB 448
March 18, 1986
Page Two

It would not appear that the formation of new home rule cities would have a significant impact on borough formation, apart from the petition requirements.

Unification of Municipalities. The creation of new home rule cities may have a more dramatic impact on the process of unification of municipalities. AS 29.06.190(b) provides:

The petition shall be signed by at least

- (1) the number of voters residing outside all home rule and first class cities in the borough equal to 25 percent of the votes cast in the that area in the last regular borough election; and
- (2) the number of voters residing in home rule or first class cities in the borough equal to 25 percent of the votes cast in all home rule and first class cities in the borough in the last borough election.

Additionally, in order for the unification charter to be adopted, under AS 29.06.360(c), "a majority of the votes outside all home rule and first class cities, and a majority of the votes in all home rule and first class cities in the borough" must be cast in favor of the proposed charter.

It would appear that the formation of new home rule cities would have a significant effect on the unification process. Under current law, a home rule city, assuming it to be the only home rule or first class city in the proposed unified municipality, would have a virtual veto power on the process.

Formation of Coastal Resource Service Areas (CRSA). A coastal resource service area may be formed in the unorganized borough pursuant to AS 46.40.130(a) in three ways:

- a. a petition signed by 15 percent of the voters in the area;
- b. resolutions from 25 percent of the cities and traditional villages in the area; or
- c. at the direction of the Alaska Coastal Policy Council if major economic development is to occur in the area.

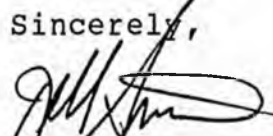
The Honorable Edna DeVries
RE: SB 448
March 18, 1986
Page Three

It should be noted that a coastal home rule city in the unorganized borough is automatically a coastal resource district under AS 46.40.210(2)(C) and is required to develop and adopt a district coastal management program. The creation of a new home rule city would not have a direct impact on the formation of a coastal resource area as it would not be included in such an area. An indirect impact would be that the population of the home rule city could not be included for the petition or resolution process of CRSA formation.

Formation of Rural Education Attendance Areas (REAA). The entire unorganized borough has been divided up into REAA's already, so the creation of new home rule cities would seemingly not have an effect on REAA formation. While provision was recently made for the creation of new REAA's in western Alaska to respond to the phase out of BIA educational funding in that area, that procedure should not be considered a precedent for a policy of formation of new, smaller REAA units, but rather a response to a unique situation. The obvious impact, however, would be that, to the extent that these new home rule cities assume education powers, they may withdraw from existing REAA's. This would potentially reduce the benefits of regional organization such as efficiencies of scale, creating regional ties which could lead at a later time to formation of a borough, etc. A balancing concern is that the residents of the home rule city would gain a greater degree of local control over the education process within its boundaries.

Conclusion. While the SB 448 municipalities are "home rule" cities, it should be noted that they differ in major respects from existing home rule cities. Chiefly, this is in the provision that those land use regulation and education powers that are mandatory under current law are made permissive for these new SB 448 municipalities. Because the exercise of these powers is part of the justification for the treatment of home rule cities under the REAA program and the Coastal Management program, there should perhaps be some recognition of this in the bill. In terms of borough formation, there would not seem to be a major impact, while the creation of a new home rule city could have a significant impact on the unification process.

Sincerely,


Emil Notti
Commissioner

Rural Alaska Community Action Program, Inc.

March 13, 1986

MAR 18 1986

Senator Edna DeVries, Chair
Senate Standing Committee of
Community and Regional Affairs Committee
Pouch V
Juneau, Alaska 99811

Dear Senator DeVries,

I am writing this short statement in support of S.B. 448, to supplement RurAL CAP's testimony to your committee on March 11.

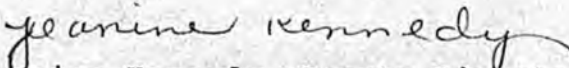
As I stated, we support SB 448 primarily because 1) its passage would indicate an intent by the State to provide an opportunity for small villages to gain more local control over their own affairs; and, 2) it would provide an option for local control which previously has been unavailable.

RurAL CAP supports the goals of more local control, as people in rural areas have the best sense of what will/does work for them. We know that in the past, efforts to impose structures which work well in large urban areas upon rural constituents have been costly and largely ineffective in just about all aspects of government. SB 448, while certainly far from a complete answer, at least moves toward a more acceptable option for rural people, by providing the opportunity for more local control over schools and land.

SB 448 promises to be more cost-effective and a more useful approach of the State to its rural constituents. The issue (in regard to cost) is not if local control costs too much; in many ways the State cannot afford not to provide more options for local control.

I appreciate the opportunity to comment on this bill.

Sincerely,


Jeanine Kennedy, Deputy Director
Rural Alaska Community Action Program, Inc.

xc: Committee Members:
Sen. Frank Ferguson, Vice-Chair
Sen. John B. (Jack) Coghill
Sen. Arliss Sturgulewski
Sen. Vic Fischer



Official Business

Alaska State Legislature

Senate

Committee on Community and Regional Affairs

Senator Edna DeVries, Chairman

Members:

Senator Ferguson, Vice Chairman

Senator Coghill

Senator Sturgulewski

Senator V. Fischer

Pouch V

Juneau, Alaska 99811

Committee Meeting -- March 11, 1986

SB 407 An Act making a special appropriation to the Dept. of C&RA for a grant to the North Slope Borough

SS for SB 414 An Act relating to municipal land entitlements

SB 448 An Act relating to home rule municipalities

Committee work session with DC&RA on municipal dissolution

SB 407 makes an appropriation to the DC&RA for a grant to the North Slope Borough to offset loss of revenue due to a boundary change.

SB 414 would allow boroughs the right to select a certain amount of vacant unappropriated and unreserved State land within their boundaries.

SB 448 would allow second class cities to go to Home Rule without assuming certain powers.

Material attached:

- a) Letter dated 2/21/86 to Sen. Ferguson from George N. Ahmaogak, Sr., Mayor of the North Slope Borough on SB 407.
- b) On SB 414 position papers and fiscal notes from DC&RA and DNR.
- c) On SB 448 memo dtd 2/18/86 from Sen. Vic Fischer; position paper & fiscal note from DC&RA.
- d) Re. municipal dissolution - Statement with applicable law from DC&RA.

Mar 11, 1986

SB 448

Fischer

Purpose is as described in my memo —

Constitution page 35

Bill geographically exempts 2nd class cities from having to go through 1st class status and also removes population minimum of 600

Sec. 2 - info dealing w/ 3rd class boroughs

Sturg

Smith

Under title 29 can be no more 3rd class boros, but should there be 2nd class cities. To Home Rule much retain language for 3rd class boroughs. No mandated powers - if want to take on education - can do it - yes

Sturg -

disagree if allow very small units to join when we've been working toward more regional organizations, adding costs for administration, etc with little income.

Cognate like what Fischer is to do but young too far too fast

Smith - felt process gone through from 2nd class to home rule good - 2 things check

- 1) financing plan reviewed by C&RA
- 2) public hearing & review by local Bond Comm.

Looking at who bill applies to - will not be a problem - 25 yrs since Statehood must look at state law on local gov. organization

Sturg - If we ~~may~~ set up where everyone has to be in a Borough - would take some powers away. - If you have a lot of home-rule cities how can you form a borough.

Fisher - I'm for formation of boroughs - would this bill affect that?

Smith - No

Orliss - Yes - it would 1st class and home rule have to vote for services within limits

Fischer - Jeff research - should be exclusion of cities - look at

Pg 2 lines 4 thru 7 - may not operate schools

Sturg-

problem w/Bethel - wanted to go 1st class so could have power of schools - but they couldn't do it. What about revenue-sharing, access to funds, etc

Fischer

this bill arose from problems of Akiachak -- may not get more power, but what power they have would be closer to them.

Smith

Bethel can go 1st class now.

1st class must exercise education, taxing, planning-zoning
Can fragment

Smith

What I own CR Sur Area

Rural E AA

Borough

Rds / health service district

Resource Development Authorities

Dineen Kennedy on 448 - Rural Alaska Comm Action Prog.
Support the intent of people having more control over their local government



Official Business

Alaska State Legislature

Senate

Committee on Community and Regional Affairs

Senator Edna DeVries, Chairman

Members:

Senator Ferguson, Vice Chairman

Senator Coghill

Senator Sturgulewski

Senator V. Fischer

Pouch V

Juneau, Alaska 99811

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- d) Re. municipal dissolution - Statement with applicable law from DC&RA.

Senator Vic Fischer

(907) 465-4954

Alaska State Legislature
Pouch V • Juneau, Alaska 99811 • (907) 465-4954



FEB 18 RECD

February 18, 1986

M E M O R A N D U M

To: Interested parties
Re: SB 448 - authorizing second class cities to
adopt home rule charters

SB 448 authorizes second class cities to adopt home rule charters and thus achieve maximum self-government.

The bill responds to the increasing desire of bush communities to have a greater say over their own affairs, as evidenced in the growing sovereignty movement.

Under home rule, a city can adopt a charter that designs a government structure, defines city powers, and limits governmental powers in accordance with local desires and needs.

Currently, a community must advance to first class city status before going to home rule. This step obligates it to establish a governing structure and assume mandatory functions that may make no sense in a small community.

Under the bill, a second class city could adopt a home rule charter without exercising powers, such as education and taxation, that are imposed on home rule cities that advance from first class status.

Thus, SB 448 also follows Alaska's constitutional mandate of promoting maximum self-governemnt at the local level, without imposing undue burdens on a community. .

Many villages are talking about giving up incorporated city status and functioning as IRA Council villages in order to achieve greater self-determination. Home rule provides a means of achieving this without dissolving city status.

Home rule would help villages obtain greater self-determination while retaining the benefits of being a recognized local government, including participation in state-local revenue sharing.

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

March 6, 1986

- POUCH B
JUNEAU, ALASKA 99811
PHONE: (907) 465-4700
- 949 E. 36TH AVENUE, SUITE 400
ANCHORAGE, ALASKA 99508
PHONE: (907) 563-1073

POSITION PAPER

RE: SB 448

SPONSOR: Senator V. Fischer

Program Effects of Bill

This bill would allow smaller second class cities to adopt local charters and reclassify directly to home rule city status. Any new home rule city formed under this bill with a population of less than 600 residents would have the option of acquiring planning, platting and land-use regulation and education powers rather than having to assume these powers on a mandatory basis as would normally be required.

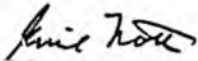
Comments

This bill extends the home rule local government option to every municipality that exists under State law. In this respect, the bill applies the Alaska Constitutional principle "to provide for maximum local self-government" to its fullest extent. Additionally, the bill removes the financial and jurisdictional responsibilities of mandatory education and planning, platting and zoning powers that presently exist for small cities desiring upgrade to home rule status. The acquisition of these powers is optional under this bill and, therefore, it allows the city to evaluate whether it has the financial and human resources to administer and provide these important services.

SB 448 provides maximum flexibility within the State's local government structure. The Department believes this flexibility, with the extension of home rule status to all cities absent of mandatory service requirements, is warranted. The bill allows, in effect, a limited home rule city which may be quite different from the home rule cities presently in existence. These different classes of home rule cities could create some confusion, as it tends to complicate the State's system of local government classifications. Besides this confusion, there is the problem of special treatment provided to small cities under this bill. Small home rule cities created under this bill receive all of the benefits of home rule status, including the ability to levy higher taxes, without having to take on the additional responsibilities of education and planning.

SB 448
March 6, 1986
Page Two

Notwithstanding these concerns, the Department believes this bill addresses and attempts to correct a basic problem with local government. This bill demonstrates the desire of the State to provide, to the greatest extent possible, maximum flexibility so that local government, the form of government closest to the people, can be responsive and relevant in the lives of our residents.



Emil Notti, Commissioner

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : SB 448
 Title : "An Act relating to home rule municipalities"
 Sponsor : Senator Vic Fischer
 Requestor : Senate C&RA Committee
 Date of Request : 2-28-86

FISCAL DETAIL

Agency Affected : Community & Regional Affairs
 BRU : Local Government Assistance
 Components : Training and Development

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL		19.6	-0-	-0-	-0-	-0-
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		19.6	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND		19.6	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by : Doug Griffin, Deputy Director Phone : (907) 465-4750
 Division : Municipal & Regional Assistance Date : 3/3/86

Approved by Commissioner : *June Todd* Date : 3/3/86
 Agency : Community & Regional Affairs

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 448

ANALYSIS

In order to maximize the increased authority and flexibility provided to small second class cities under this bill, the Department believes information regarding home rule powers and limitations needs to be prepared, published, and distributed in booklet form. This information would explain the concept of home rule government, list in some detail the areas where statute allows discretion, and similarly, where home rule cities are statutorily limited, and finally would also include a model home rule city charter. Production of this type of information is not presently a Department priority; publication dollars are instead targeted for other pressing needs of basic local government training, the Federal Voters Rights Act, grant management, and accounting/auditing.

The production of this publication would be produced under contract and would be a one-time item in the FY 87 budget. The following is a general breakdown of the costs of producing this home rule city information:

Research and Drafting	9,000
Legal Review	3,000
Typing of Draft	800
Paste-Up/Graphics/Typeset	2,000
Printing	4,000
Postage/Toll Calls, etc.	<u>300</u>
TOTAL	19,600

Carla
Feb 18th

Johnson for Tim Kelly
Hark Kelly on SB 324 - in support

Bill Ross supports SB 324

Campbell Creek as bad - had to cancel Campbell's Class
\$110,000 from Gov
200,000 from City to test quantity
of rivers

One passed \$10 mil bond raise for
water clean-up

Coghill - if safe water, to be spending
on cleaning up lakes

Ross - No, we would still deal w/ funds -
mentals 1st

Ferg #335 It is my understanding

that no general obligation bond bill is
going to pass the Senate this year -
therefore don't want to make
the commissioners time, or

the Committee's time

Fisher

SB 448 home rule powers to 2nd class cities

(ask DC&RA to suggest way to handle dissolution - the Committee review)

With this bill (SB448) also hear proposal from DC&RA on how to handle dissolution.

Coghill

6-8-63 / resolution is a hearing to be put on record what Leg has is on detachment of land areas, and what the Leg ~~responsibility~~ responsibility is for this type of action.

Do have reservation about DC&RA getting into this - 6 LBC of this and not the Dept.

7-2 a message to the Constitution stay on watersheds in drawing lines.

Sen Ferguson I was ca. 1/2 impartial and not vote until the Senate floor, but--
a no. of people in Kotzebue who don't want a Boro don't want a B. Taxation.

Around 1992 Assembly for our boro (Leg) will meet for unorganized boro-
Our boro by the Leg & by our people. Therefore we need a boro.

Ferguson, I may not like the resolution but I support it.

Fischer

Would not want to introduce legislation. Dialog was very shrill, but tempers have cooled. Essentially NS Boro is accepting the detachment at this time. If we do this, we will look like we support the resolution.

Stuy

I have concerns about introducing the resolution.
Oppor To see another Boro is good.

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Coghill - disagree, we need a clear-cut record.
I want to put it on record that
if the NS Boro sues the State, the Leg will not be
responsible for paying.

Ferguson - If I were asked, I would say that they
save their money on legal fees.

DeVries - Need to put some things on record
by voting res. up or down -
because other areas want to
detach -- Lake Louise, Eagle River, Salcha

V Fisher - What you do here doesn't affect other detachments.

COMR. adjourned 4:17p

Introduced: 2/18/86
 Referred: Community and Regional
 Affairs and Judiciary

1 IN THE SENATE

BY V.FISCHER

2 SENATE BILL NO. 448

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to home rule municipalities; and
 7 providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 29.10.010(a) is amended to read:

10 (a) A general law borough or first or second class city may
 11 adopt a charter for its own government.

12 * Sec. 2. AS 29.35.250(c) is amended to read:

13 (c) Except for a home rule city with less than 600 residents
 14 that adopts a home rule charter after June 31, 1986, a [A] home rule
 15 city in a third class borough shall provide for planning, platting,
 16 and land use regulation as provided by AS 29.35.180(b) for home rule
 17 boroughs. A first class city in a third class borough shall provide
 18 for planning, platting, and land use regulation as provided by AS
 19 29.35.180(a) for first and second class boroughs. A second class city
 20 in a third class borough may provide for planning, platting, and land
 21 use regulation as provided by AS 29.35.180(a) for first and second
 22 class boroughs. A home rule city with less than 600 residents that
 23 adopts a home rule charter after June 31, 1986, and that is in a third
 24 class borough may provide for planning, platting, and land use
 25 regulation as provided by AS 29.35.180(b) for home rule boroughs.

26 * Sec. 3. AS 29.35.260(b) is amended to read:

27 (b) Except for a home rule city with less than 600 residents
 28 that adopts a home rule charter after June 31, 1986, a [A] home rule
 29 or first class city outside a borough is a city school district and

30 COMMITTEE COPY

1 shall establish, operate, and maintain a system of public schools as
2 provided by AS 29.35.160 for boroughs. A second class city outside a
3 borough is not a school district and may not establish a system of
4 public schools. A home rule city with less than 600 residents that
5 adopts a home rule charter after June 31, 1986, and that is outside a
6 borough may establish, operate, and maintain a system of public
7 schools as provided by AS 29.35.160 for boroughs.

8 * Sec. 4. AS 29.35.260(c) is amended to read:

9 (c) Except for a home rule city with less than 600 residents
10 that adopts a home rule charter after June 31, 1986, a [A] home rule
11 city outside a borough shall provide for planning, platting, and land
12 use regulation as provided by AS 29.35.180(b) for home rule boroughs.
13 A first class city outside a borough shall, and a second class city
14 outside a borough may, provide for planning, platting, and land use
15 regulation as provided by AS 29.35.180(a) for first and second class
16 boroughs. A home rule city with less than 600 residents that adopts a
17 home rule charter after June 31, 1986, and that is outside a borough
18 may provide for planning, platting, and land use regulation as pro-
19 vided by AS 29.35.180(b) for home rule boroughs.

20 * Sec. 5. AS 29.10.010(b) is repealed.

21 * Sec. 6. This Act takes effect July 1, 1986.
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